

AMENDED IN ASSEMBLY AUGUST 25, 2010

AMENDED IN ASSEMBLY AUGUST 18, 2010

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE MARCH 24, 2010

## SENATE BILL

**No. 1394**

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**Introduced by Senator Kehoe**

February 19, 2010

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An act to amend ~~Section 13803~~ *Sections 12818 and 13803* of, and to amend and repeal Sections 12808, ~~12814, and 12818 and 12814~~ of, the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1394, as amended, Kehoe. Vehicles: drivers' licenses: reexaminations.

Existing law requires, until January 1, 2011, the Department of Motor Vehicles to reexamine a driver upon receipt of a report from a local health officer indicating that the driver suffers from disorders characterized by lapses of consciousness, and upon receipt of a report from certain family members stating that the driver cannot safely operate a motor vehicle, the reexaminations to include a demonstration of the person's ability to operate a motor vehicle. Existing law requires, until January 1, 2011, the department, before issuing or renewing any license, to check its records for these reports.

This bill would make the above requirements permanent ~~and, except for the requirement that the department reexamine a person's qualifications to operate a motor vehicle upon receipt of a report from a local health officer, which the bill would extend only until January 1, 2012.~~ The bill would also make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12808 of the Vehicle Code, as amended  
2 by Section 8 of Chapter 985 of the Statutes of 2000, is amended  
3 to read:

4 12808. (a) The department shall, before issuing or renewing  
5 any license, check the record of the applicant for conviction of  
6 traffic violations, traffic accidents, reports filed pursuant to Section  
7 103900 of the Health and Safety Code, reports filed pursuant to  
8 Section 13803, or notices issued pursuant to Section 21061.

9 (b) The department shall, before issuing or renewing any license,  
10 check the record of the applicant for notices of failure to appear  
11 in court filed with it and shall withhold or shall not issue a license  
12 to any applicant who has violated his or her written promise to  
13 appear in court unless the department has received a certificate  
14 issued by the magistrate or clerk of the court hearing the case in  
15 which the promise was given showing that the case has been  
16 adjudicated or unless the applicant's record is cleared as provided  
17 in Chapter 6 (commencing with Section 41500) of Division 17. In  
18 lieu of the certificate of adjudication, a notice from the court stating  
19 that the original records have been lost or destroyed shall permit  
20 the department to issue a license.

21 (c) (1) Any notice received by the department pursuant to  
22 Section 40509, 40509.1, or 40509.5, except subdivision (c) of  
23 Section 40509.5, that has been on file five years may be removed  
24 from the department records and destroyed at the discretion of the  
25 department.

26 (2) Any notice received by the department under subdivision  
27 (c) of Section 40509.5 that has been on file 10 years may be  
28 removed from the department records and destroyed at the  
29 discretion of the department.

30 SEC. 2. Section 12808 of the Vehicle Code, as added by  
31 Section 9 of Chapter 985 of the Statutes of 2000, is repealed.

32 SEC. 3. Section 12814 of the Vehicle Code, as amended by  
33 Section 35 of Chapter 594 of the Statutes of 2003, is amended to  
34 read:

1 12814. (a) Application for renewal of a license shall be made  
2 at an office of the department by the person to whom the license  
3 was issued. The department, in its discretion, may require an  
4 examination of the applicant as upon an original application, or  
5 an examination deemed by the department to be appropriate  
6 considering the licensee's record of convictions and accidents, or  
7 an examination deemed by the department to be appropriate in  
8 relation to evidence of a condition that may affect the ability of  
9 the applicant to safely operate a motor vehicle. The age of a  
10 licensee, by itself, may not constitute evidence of a condition  
11 requiring an examination of the driving ability. If the department  
12 finds any evidence of a condition requiring an examination, the  
13 department shall disclose the evidence to the applicant or licensee.  
14 If the person is absent from the state at the time the license expires,  
15 the director may extend the license for a period of one year from  
16 the expiration date of the license.

17 (b) Renewal of a driver's license shall be under terms and  
18 conditions prescribed by the department.

19 (c) The department may adopt and administer regulations it  
20 deems necessary for the public safety in the implementation of a  
21 program of selective testing of applicants, and, with reference to  
22 this section, the department may waive tests for purposes of  
23 evaluation of selective testing procedures.

24 SEC. 4. Section 12814 of the Vehicle Code, as amended by  
25 Section 36 of Chapter 594 of the Statutes of 2003, is repealed.

26 SEC. 5. Section 12818 of the Vehicle Code, as amended by  
27 Section 13 of Chapter 985 of the Statutes of 2000, is amended to  
28 read:

29 12818. (a) Upon receipt of a request for reexamination and  
30 presentation of a legible copy of a notice of reexamination by a  
31 person issued the notice pursuant to Section 21061, or upon receipt  
32 of a report from a local health officer issued pursuant to subdivision  
33 (b) of Section 103900 of the Health and Safety Code, the  
34 department shall reexamine the person's qualifications to operate  
35 a motor vehicle, including a demonstration of the person's ability  
36 to operate a motor vehicle as described in Section 12804.9.

37 (b) Based on the department's reexamination of the person's  
38 qualifications pursuant to subdivision (a), the department shall  
39 determine if either of the following actions should be taken:

1 (1) Suspend or revoke the driving privilege of that person if the  
2 department finds that any of the grounds exist which authorize the  
3 refusal to issue a license.

4 (2) Restrict, make subject to terms and conditions of probation,  
5 suspend, or revoke the driving privilege of that person based upon  
6 the records of the department as provided in Chapter 3  
7 (commencing with Section 13800).

8 (c) As an alternative to subdivision (a), the department may  
9 suspend or revoke the person's driving privilege as provided under  
10 Article 2 (commencing with Section 13950) of Chapter 3.

11 (d) Upon request, the department shall notify the law  
12 enforcement agency which employs the traffic officer who issued  
13 the notice of reexamination described in subdivision (a) of the  
14 results of the reexamination.

15 (e) *This section shall remain in effect only until January 1, 2012,*  
16 *and as of that date is repealed, unless a later enacted statute, that*  
17 *is enacted before January 1, 2012, deletes or extends that date.*

18 SEC. 6. Section 12818 of the Vehicle Code, as added by Section  
19 14 of Chapter 985 of the Statutes of 2000, is amended to read:

20 12818. (a) Upon receipt of a request for reexamination and  
21 presentation of a legible copy of a notice of reexamination by a  
22 person issued the notice pursuant to Section 21061, the department  
23 shall reexamine the person's qualifications to operate a motor  
24 vehicle ~~pursuant to Section 13801, notwithstanding the notice~~  
25 ~~requirement of Section 13801, including a demonstration of the~~  
26 ~~person's ability to operate a motor vehicle as described in Section~~  
27 ~~12804.9.~~

28 (b) Based on the department's reexamination of the person's  
29 qualifications pursuant to subdivision (a), the department shall  
30 determine if either of the following actions should be taken:

31 (1) Suspend or revoke the driving privilege of that person if the  
32 department finds that any of the grounds exist which authorize the  
33 refusal to issue a license.

34 (2) Restrict, make subject to terms and conditions of probation,  
35 suspend, or revoke the driving privilege of that person based upon  
36 the records of the department as provided in Chapter 3  
37 (commencing with Section 13800).

38 (c) As an alternative to subdivision (a), the department may  
39 suspend or revoke the person's driving privilege as provided under  
40 Article 2 (commencing with Section 13950) of Chapter 3.

1 (d) Upon request, the department shall notify the law  
2 enforcement agency which employs the traffic officer who issued  
3 the notice of reexamination of the results of the reexamination.

4 (e) This section shall become operative on January 1, 2011  
5 2012.

6 ~~SEC. 6. Section 12818 of the Vehicle Code, as added by~~  
7 ~~Section 14 of Chapter 985 of the Statutes of 2000, is repealed.~~

8 SEC. 7. Section 13803 of the Vehicle Code is amended to read:

9 13803. (a) The department shall conduct a reexamination,  
10 including a demonstration of the person's ability to operate a motor  
11 vehicle as described in Section 12804.9, to determine whether the  
12 driving privilege of any person to operate a motor vehicle should  
13 be suspended or revoked, or whether terms or conditions of  
14 probation should be imposed upon receiving information from any  
15 member of the vehicle operator's family within 3 degrees of  
16 consanguinity, or the operator's spouse, who has reached 18 years  
17 of age, except that no person may report the same family member  
18 pursuant to this section more than one time during a 12-month  
19 period.

20 (b) The report described in subdivision (a) shall state that the  
21 person filing the report reasonably and in good faith believes that  
22 the operator cannot safely operate a motor vehicle. The report shall  
23 be based upon personal observation or physical evidence of a  
24 physical or medical condition that has the potential to impair the  
25 ability to drive safely, or upon personal knowledge of a driving  
26 record that, based on traffic citations or other evidence, indicates  
27 an unsafe driver. The observation or physical evidence, or the  
28 driving record, shall be described in the report, or the report shall  
29 be based upon an investigation by a law enforcement officer.

30 (c) No person who makes a report in good faith pursuant to this  
31 section shall be civilly or criminally liable for making that report.